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January 4, 2018

VIA ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hector Cordero v. City of New York, et al.,
15-CV-3436 (JBW) (CLP)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants City of New York, Lieutenant Moran and Officers Hugasian, Essig, and Rubin, in the above-referenced matter. Defendants submit this letter in response to Plaintiff's letter motion concerning Phase I discovery production, dated January 3, 2018, under Docket Entry No. 138.

On December 20, 2017, Defendants filed a motion seeking additional time to produce the remaining discovery in connection with Phase I of trial. The Court granted Defendants' application and directed Defendants to produce the remaining discovery by January 4, 2018. After the Court's granting of this extension, but prior to the January 4, 2018 deadline, Plaintiff sent Defendants an email regarding purported discovery deficiencies concerning Phase I discovery. In fact, Plaintiff's deficiencies even concerned materials that Defendants had until today to respond to or produce. Therefore, at the very least, Plaintiff's application to the Court is premature.

Furthermore, pursuant to the Federal Rules of Civil Procedure the parties are required to meet and confer on any discovery disputes. Therefore, based on this rule and in an effort to confer in good faith on Plaintiff's purported deficiencies, Defendants suggested that the parties schedule a telephone call. Plaintiff thereafter suggested that the parties have a call at 4:30 pm on January 3, 2018. Unfortunately, Defendants' counsel was not available and this was conveyed to Plaintiff. In fact, at that time Defense Counsel was appearing at a settlement conference in the Southern District. Counsel could not propose a different time until counsel returned to the Office. The undersigned did return to the office last evening to continue working on the production in this case that is due today and tomorrow, January 4, 2018 and January 5, 2018. However, Plaintiff's Counsel had already filed the instant letter motion with the Court.

Notwithstanding the foregoing, Defendants contacted Plaintiff's Counsel this morning to reschedule the meet and confer. The parties are now scheduled to meet and confer on these issues at 2:00 pm today.

As a result of the foregoing, Defendants respectfully request that the parties have an opportunity to meet and confer on these issues, prior to the Court's entry of a decision concerning this matter. Defendants believe that these issues may be resolved during the parties' call today, and any outstanding existing material for Phase I will be produced today.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

/s/

AMATULLAH K. BOOTH

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